

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PETRO GRYTYSK,	:
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Plaintiff,	:
	:
	:
-v-	:
	:
ANTHONY MORALES, et al.,	:
	:
Defendants.	:
	:
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19-CV-3470 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:


On February 5, 2021, Defendant Times Square District Management Association, Inc. (“Time Square Alliance”) filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. ECF No. 71. Under Rule 15(a)(1)(B), a plaintiff normally has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Here, Plaintiff has already amended his Complaint, ECF No. 35, and several Defendants have already filed a pending motion to dismiss, ECF No. 41. In light of the pending motion and for the sake of efficiency, Plaintiff should **not** amend his Complaint to address any of the deficiencies alleged by Times Square Alliance that were not previously raised in the earlier motion. Instead, Plaintiff should address in his opposition to Times Square Alliance’s motion whether, if the motion is granted on those grounds, leave to amend should be given and specify what facts he would allege to address those grounds if such leave were given.

Plaintiff shall file any opposition to Times Square Alliance’s motion no later than **February 19, 2021**. Times Square Alliance shall file any reply by **February 26, 2021**.

SO ORDERED.

Dated: February 8, 2021
New York, New York



JESSE M. FURMAN
United States District Judge